

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1861.—Ordered to be printed.

Mr. THOMSON made the following

REPORT.

[To accompany bill H. R. 586.]

*The Committee on Naval Affairs, to whom was referred the bill (H. R. 586) for the relief of the legal representatives of Frederick F. Brose, deceased, have had the same under consideration, and report:*

This claim is for services performed by Passed Midshipman Frederick F. Brose as an acting lieutenant on board the frigate Savannah, by order of his commanding officer. The following report from the House of Representatives accompanies the bill that passed that body, and is now before this committee:

*The Committee on Naval Affairs, to whom was referred the petition of the legal representatives of Frederick F. Brose, report:*

It appears from the papers in this case that Passed Midshipman Frederick F. Brose, while on board the United States frigate Savannah, by order of Commander Samuel Mercer, performed the duties of lieutenant, there being no lieutenant on board said vessel; that he performed said duties from the 13th of October, 1853, to the 22d day of April, 1854; and the commander certifies that he performed the duties to his entire satisfaction.

The law provides that when such services are performed by a midshipman by the order of the commander, and that order shall be approved by the department, the midshipman performing such service shall be entitled to lieutenant's pay.—*Act August 3, 1848.*

In this case the order of the commander was a verbal one, and the department refuse to approve of it under the act.

As the omission appears not to have been the fault of the midshipman, and as he performed the duties well, we see no reason why he should not have been entitled to his pay in accordance with the spirit of the act aforesaid.

As it appears, further, that Midshipman Brose died without receiving such pay, your committee, in accordance with the prayer of the petition, ask leave to report a bill for the relief of his legal representatives in this respect.

The act of August 3, 1848, referred to in the foregoing report, is in these words:

[From the naval appropriation bill, approved August 3, 1848.]

SEC. 6. *And be it further enacted*, That when any master in the navy, or passed midshipman holding an acting appointment as master from the Secretary of the Navy, has performed or shall hereafter perform the duty of a lieutenant, under an order of the commander of the vessel to which he was or shall be at the time attached, to supply a deficiency in the established complement of lieutenants of said vessel, whether belonging to a squadron or on separate service, which order shall have been subsequently approved by the Secretary of the Navy, shall be allowed the pay of a master for the period or periods during which he shall have performed such duty.

Thus it will be seen that the act referred to by the committee of the House of Representatives did not contemplate an allowance in cases of this character, beyond the pay of the grade of master. Your committee are disposed to allow the difference of pay that the deceased would have received had his appointment been approved by the Secretary of the Navy, viz: the difference between that of a passed midshipman and a master, in accordance with the general rule adopted by them and their reports in like cases. The bill from the House of Representatives is for the difference of pay received by deceased as a midshipman and that of lieutenant.

The bill is reported back with amendments, in accordance with the act of 1848, and recommend its passage.